

Headquarters  
U.S. Army Armor Center and Fort Knox  
Fort Knox, Kentucky 40121-5000  
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\*USAARMC Pam 25-4

## Information Management

### SUPERVISORS'/MANAGERS' GUIDE TO THE FREEDOM OF INFORMATION AND PRIVACY ACTS

**Summary.** This pamphlet discusses the processes and procedures for administration of the Freedom of Information Act (FOIA) and the Privacy Act (PVA); it is to be used with ARs 25-55 and 340-21. This pamphlet explains the steps for processing requests received under the FOIA, so that supervisors/managers understand its relationship and impact on protecting the personal privacy of DA military and civilian personnel; it also explains policies for use and safeguarding of personal information which is collected and maintained on DA military and civilian personnel.

**Applicability.** This pamphlet applies to all major elements/activities of the U.S. Army Armor Center (USAARMC), U.S. Army Armor School (USAARMS), and tenant commands.

**Suggested improvements.** The proponent of this pamphlet is the Directorate of Information Management (DOIM). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to CDR, USAARMC, ATTN: ATZK-IMO-R.

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## CHAPTER 1

### GENERAL INFORMATION

1-1. PURPOSE. This pamphlet describes and clarifies local responsibilities of supervisors, managers, and other key personnel accountable for ensuring compliance with the provisions of the FOIA/PVA.

1-2. REFERENCES. See appendix A.

1-3. DEFINITIONS. Familiarity with the following definitions is necessary to clearly understand the requirements set forth by the FOIA/PVA.

a. Personal Information - information about an individual that is intimate or private to the individual, as distinguished from information related solely to the individual's official function or public life.

b. Need-to-know - involves the authorized disclosure of personal information to personnel within the Department of Defense who have a need for it in the official performance of their duties.

c. System of Records - a group of records under the control of DA from which information is retrieved by the individual's name ('by name' file) or by some identifying number (social security number), symbol, or other identifier particularly assigned to the individual. (A grouping or file series arranged chronologically or subjectively that is not retrieved by individual identifier is not a system of records, even though individual information could be retrieved by such an identifier, such as through a paper-by-paper search.)

d. System Notice - identification numbers/symbols assigned to each system of records that must be published in the FEDERAL REGISTER.

e. FEDERAL REGISTER - a document to inform the public of records which the government maintains on them so they may request access or amendment.

1-4. USAARMC FOIA/PVA ADVISOR. For more information concerning the FOIA and/or the PVA Program, refer to ARs 25-55 and 340-21, or contact the Installation FOIA/PVA Advisor, DOIM Records Management/Correspondence Branch, phone 4-7425/1945. Personnel from USAREC, DENTAC, MEDDAC, and USA Second Region, USA ROTC Cadet Command, should contact the FOIA/PVA officials for their respective organizations.

## CHAPTER 2

### THE FREEDOM OF INFORMATION ACT (FOIA)

2-1. INTRODUCTION. The fundamental principle of the FOIA is that information in the possession of a Federal agency of the Executive Branch, Army included, must be made available to the public upon written request unless it is exempt under one of nine statutory exemptions. The policies and procedures which DA has adopted to facilitate compliance with the FOIA are contained in AR 25-55.

2-2. RELATIONSHIP BETWEEN THE FOIA AND PVA. Not all requesters are knowledgeable of the appropriate statutory authority to cite when requesting records. In some instances, they may cite neither Act, but will imply one or both Acts. For these reasons, the following guidelines are provided to ensure that requesters receive the greatest amount of access rights under both Acts:

a. Requesters who seek records about themselves contained in a PVA system of records and who cite or imply the PVA, will have their requests processed under the provisions of the PVA.

b. Requesters who seek records about themselves which are not contained in a PVA system of records and who cite or imply the PVA, will have their requests processed under the provisions of the FOIA, since they have no access under the PVA.

c. Requesters who seek records about themselves which are contained in a PVA system of records and who cite or imply the FOIA or both Acts will have their requests processed under the time limits of the FOIA and the exemptions and fees of the PVA. This is appropriate since greater access will be received under the PVA.

d. Requesters who seek access to agency records and who cite or imply the PVA and FOIA, will have their requests processed under the FOIA.

e. Requesters who seek access to agency records and who cite or imply the FOIA, will have their requests processed under the FOIA.

f. Requesters should be advised in final responses why their request was processed under a particular Act.

### 2-3. PROCESSING FOIA REQUESTS.

a. A request for Army records is considered to be received under the FOIA only if:

(1) It is in writing, and expressly or implicitly indicates it is made under the Act.

(2) It reasonably describes the record requested.

(3) It contains a statement to show the requester will pay all fees appropriate for the requester's applicable fee category that may be assessed

incident to processing the request. Fee categories include commercial, educational or noncommercial scientific institution or news media, and all others; the methods for assessing fees vary for each category. If it appears that the costs or time involved in complying with the request are within the prescribed "no fee" limits applicable to a requester's fee category, the requirement to state a willingness to pay will not be enforced. (Contact the USAARMC FOIA Advisor for guidance when assessing fees.)

(4) It is submitted to the official who has custody of the records requested.

b. There is no obligation to create a record to satisfy a request for information. When the information requested is releasable, but exists in the form of several records at several locations, the requester is referred to those sources if gathering the information is so burdensome that it interferes with operations of the Army.

c. Soldiers and civilian employees of DA may, as private citizens, request records and information under FOIA; however, they must prepare requests at their own expense and not during duty hours or using government supplies and equipment.

d. Records requested under the FOIA will be provided to the requester within 10 working days provided they do not fall under an exempt category as listed in figure 2-1, below.

1. Classified - national defense and foreign policy.
2. Internal rules and practices.
3. Information exempted by other statutes.
4. Trade secrets, commercial information given in confidence.
5. Interagency, intraagency communications.
6. Personnel, medical, similar privacy files.
7. Investigative files compiled for law enforcement.
8. Information on regulation of financial institutions.
9. Geological, geophysical information on wells.

FIGURE 2-1 - EXEMPTIONS FROM RELEASE

e. If the office receiving the FOIA request is the office of record for the documents or information requested, immediate action will be taken in compliance with AR 25-55. If it is determined the receiving office is not the office of record, the receiving office will coordinate with the appropriate action office to effect immediate referral of the request to that activity or office. The receiving office will inform the requester by letter that their request has been forwarded to the record custodian, provide the address of the record custodian, and request that further inquiries be directed to that address. The 10-day limit will begin upon receipt of the FOIA request by the proper action office or activity. The USAARMC FOIA Advisor must be informed by telephone regarding FOIA requests referred to another activity for action. Assistance in determining the correct office of record is rendered by the USAARMC FOIA Advisor as needed.

f. If in the judgment of the officials who have received the FOIA request, the requested records fall under one or more of the nine exemptions (which are described in detail in AR 25-55, chapter 3, section 2), they will promptly notify the responsible Initial Denial Authority (IDA) and forward the request and the records to the IDA for review and determination of release or denial. (Assistance with the determination about whether certain information falls within an exemption may be obtained from the USAARMC FOIA Advisor or the Office of the Staff Judge Advocate, Administrative Law Division.) The letter of transmittal will make reference to the applicable exemption, and the reasons for recommending the records be released or withheld. The forwarding envelope will be clearly marked 'FREEDOM OF INFORMATION REQUEST.'

g. The requester must, at the same time, be advised in writing that the request has been forwarded to higher authority for action and direct reply. The response will furnish the address of the IDA where the response was forwarded. This notice is sent within 5 working days from the date the request is initially received.

#### 2-4. INITIAL DENIAL AUTHORITIES (IDAs).

a. Within DA, IDAs are responsible for acting on FOIA requests involving the question of the release of exempted information. They determine, within their respective specialized areas, whether the request should be granted or denied. They must coordinate all matters relating to the release of exempted information which have public affairs aspects with the Chief of Public Affairs or with the appropriate public affairs officer. In cases where the information requested, exempted or otherwise, is related to actual or potential litigation against the United States, they will also coordinate with the Judge Advocate General.

b. If, when making a determination to release or deny a request, the IDAs determine all of the requested records should be released, they will notify the requester of their decision during the initial 10 working day period and promptly release the records.

c. If the decision to release the requested records is unfavorable, in whole or in part, the IDAs will advise the requester of their decision, in writing, within the initial 10 working day period, furnish the reasons for denial, and make reference to the appropriate exemption. The requesters will also be furnished the name and title or position of the official responsible for the denial. They will also be advised of their right to appeal the denial to the Secretary of the Army.

d. A record will NOT be withheld from the public merely because it may reveal or suggest errors or inefficiency on the part of the Army.

e. The designated IDAs for DA are listed in AR 25-55, chapter 5 (section 2).

f. No official other than an IDA and the Secretary of the Army may release exempted information.

g. No official other than an IDA or the Secretary of the Army may deny a request for Army records, or a request for waiver of fees incident to processing the request.

2-5. DESIGNATION OF FOIA OFFICIALS AND THEIR RESPONSIBILITIES.

a. The USAARMC FOIA Advisor is responsible for coordinating the implementation of AR 25-55 and monitoring all FOIA requests received by this headquarters. The USAARMC FOIA Advisor will compile and maintain data on each FOIA request received by this headquarters.

b. Directors and chiefs of staff offices, this headquarters; Assistant Commandant, USAARMS; and commanders of major subordinate and tenant commands are responsible for compliance with the provisions of AR 25-55 and the appointment of FOIA coordinators within their respective areas of responsibility.

c. The name, grade, and activity of each FOIA coordinator will be furnished in writing to this headquarters, ATTN: ATZK-IMO-R. Subsequent appointments will be reported in a like manner within 5 working days after appointment.

d. Each activity FOIA coordinator appointed at Fort Knox is responsible for:

(1) Establishing procedures to ensure compliance with FOIA directives.

(2) Coordinating and monitoring all FOIA requests received by the activity to ensure that replies are made within the prescribed time limits and that each request is expeditiously processed per AR 25-55.

(3) Providing guidance, assistance, and disseminating information concerning FOIA to all personnel within the activity.

(4) Reporting to the USAARMC FOIA Advisor, phone 4-7425, each FOIA request received by an activity under their jurisdiction within 8 working hours after receipt. The following information will be furnished:

- (a) Date FOIA request was received for action.
- (b) Identification of the reporting activity or unit.
- (c) Name, grade, and telephone number of person submitting the report.
- (d) Identification of the requester.
- (e) Amount of charges involved, if any.
- (f) Actions taken, thus far, regarding the request.

(5) Furnishing the USAARMC FOIA Advisor a copy of each completed FOIA request and related correspondence immediately upon completion of all actions required.

(6) Upon determination that a FOIA request is exempt under the exemptions listed in paragraph 2-2d above, the request will be coordinated with the Staff Judge Advocate and the USAARMC FOIA Advisor, as appropriate, to further verify the validity of the exemption determination.

2-6. DA FORM 4948-R (FREEDOM OF INFORMATION ACT (FOIA)/OPERATIONS SECURITY (OPSEC) DESK TOP GUIDE). This form lists references and information frequently used for FOIA requests related to OPSEC. Persons who routinely deal with the public (by telephone, in person, or by letter) should keep this form on their desks as a guide (see figure 2-2).

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**FREEDOM OF INFORMATION ACT (FOIA)/  
OPERATIONS SECURITY (OPSEC) DESK TOP GUIDE**

For use of this form, see AR 25-55, the proponent agency is ODISC4

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**Problem:** The release of information from Department of the Army records must comply with the FOIA and AR 25-55. At the same time, sensitive information concerning military operations and activities must be protected from disclosure to hostile intelligence services and their agents.

**Solution:** The following references to AR 25-55 and AR 530-1 outline proper policies and procedures.

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**Paragraph 5-200d, AR 25-55.** Assigns areas of responsibility to the initial denial authorities (IDA) for the Army. Only the Secretary of the Army and IDAs may deny a request for information submitted to the Army under the FOIA.

**Paragraph 3-200, AR 25-55.** Outlines the nine categories of records exempt from mandatory release under the FOIA. Denial under the exemptions is not automatic, each case must be reviewed and denial justified in each instance.

**Paragraph 5-100c, AR 25-55.** Discusses OPSEC considerations when reviewing information requested under the FOIA.

**Paragraph 3-12, AR 530-1.** Requires commanders to designate an OPSEC officer at battalion and higher levels of command to assist in discharging their responsibilities for OPSEC.

**Paragraph 5-100d, AR 25-55.** Invests command OPSEC points of contact with FOIA advisory functions. They will advise and assist FOIA personnel in dealing with requests for information that have OPSEC implications.

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**CAUTION:** Documents properly classified under Executive Order 12065 are automatically reviewed for operations security impact; however, the compilation of unclassified documents, or portions thereof, may combine information that, if released, might cause damage to national security (para 2-211, AR 380-5). If you have any questions about releasing information, immediately contact your command OPSEC/FOIA advisor.

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COMMAND OPSEC/FOIA ADVISOR

TELEPHONE NO.

DA FORM 4948-R, NOV 89

DA FORM 4948, APR 82 IS OBSOLETE

FIGURE 2-2 - DA FORM 4948-R



## CHAPTER 3

### THE PRIVACY ACT (PVA) PROGRAM

3-1. INTRODUCTION. The provisions of the PVA of 1974 apply to all living American citizens and aliens admitted to the U.S. for permanent residence. The Army regulation that governs this program is AR 340-21. TRADOC and FORSCOM also have supplements to AR 340-21. The PVA is intended to ensure that:

- a. There are no Federal Government personal recordkeeping systems that secretly exist.
- b. Records which contain personal information are limited to only those necessary for the accomplishment of an official mission.
- c. Individuals have the opportunity to access information kept on them and to challenge its accuracy.
- d. Personal information being collected and maintained is safeguarded to prevent unauthorized use, access, disclosure, alteration, or destruction.

3-2. PROTECTION/DISCLOSURE OF PRIVACY ACT INFORMATION. In accordance with AR 340-21:

- a. DA military and civilian personnel shall not disclose any personal information contained in any system of records except as authorized in AR 340-21.

(1) A brief listing of the conditions given in AR 340-21 under which this personal information may be disclosed is shown in figure 3-1, below.

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. To individual to whom record pertains.</li> <li>2. To third parties with written consent of individual.</li> <li>3. To "need-to-know" personnel within agency maintaining record.</li> <li>4. To "routine" users as specified by agency.</li> <li>5. To statistical and reporting users (no identifying data).</li> <li>6. To persons showing compelling circumstances (health, safety).</li> <li>7. To officials of specified Federal agencies.</li> </ol> |
|---|

FIGURE 3-1 - PRIVACY ACT DISCLOSURE CONDITIONS

(2) A PVA request for access to records will also be processed as a FOIA request. If all or any portion of the requested material is to be denied, it must be considered under the substantive provisions of both the PVA and the FOIA. Any withholding of information must be justified by asserting a legally applicable exemption in each Act.

(a) Some examples of personal information about individuals which can normally be released without an unwarranted invasion of privacy under the FOIA are shown in figure 3-2.

Military Personnel:

Name and rank	Future approved duty assignments
Date of rank	Source of commission
Gross salary	Promotion sequence number
Duty address and telephone number	Military and civilian educational level
Present duty assignments	Past duty assignments
Awards and decorations	

Civilian Personnel:

Name  
Position title and grade  
Gross salary  
Duty address and telephone number

FIGURE 3-2 - RELEASABLE PERSONAL INFORMATION  
UNDER THE FREEDOM OF INFORMATION ACT

(b) Disclosure of social security numbers, home addresses, home telephone numbers, or any information other than the information shown in figure 3-2, without consent, is normally considered to be an unwarranted invasion of personal privacy. Within elements maintaining home address locator services, it is essential that the individual's continuing consent for release of home address be obtained before such information can be released to third party requesters. The individual's decision on consent or refusal should be obtained at the time the information is initially entered into the locator system.

(c) TRADOC Form 876-R (Privacy Act Information for Desk Top) (shown in figure 3-3) should be posted on desks of persons who routinely deal with the public (by phone, letter, or in person). It contains references and information to be used in responding to requests of personal information.

(3) Receipt of Subpoenas. Activity records custodians often receive subpoenas for information on employees or soldiers in their organizations demanding production of information protected under the Privacy Act. Release of such information requires an order from the court, signed by the judge, and not merely an attorney or clerk of court. Coordinate all subpoenas for documents with the Office of the Staff Judge Advocate, Administrative Law Division.

<b>PRIVACY ACT INFORMATION FOR DESK TOP</b> <small>(TRADOC Suppl 1 to AR 340-21)</small>													
<b>QUESTION:</b>	HOW CAN I respond to a creditor who has asked for personal-type information regarding a member of this unit or office without violating the Privacy Act of 1974 (AR 340-21, The Army Privacy Program)?												
<b>ANSWER:</b>	The answer to this question is contained in the following paragraphs which have been extracted from AR 340-21.												
<p><i>Paragraph 3-1, AR 340-21: Individual home addresses and telephone numbers will not be disclosed without prior written consent of the individual(s) involved. (Be sure you see the written consent and recognize the individual(s) signature(s).)</i></p> <p><i>Paragraph 3-3a, AR 340-21: You may normally release the following items of personal information pertaining to military personnel without an unwarranted invasion of personal privacy, and without violating the Privacy Act of 1974.</i></p> <table border="0"> <tr> <td>1. Name</td> <td>7. Unit or office address and telephone number</td> </tr> <tr> <td>2. Grade</td> <td>8. Source of commission (for officer personnel)</td> </tr> <tr> <td>3. Date of Rank</td> <td>9. Military and civilian educational levels</td> </tr> <tr> <td>4. Salary</td> <td>10. Promotion sequence number</td> </tr> <tr> <td>5. Present and past duty assignments</td> <td>11. Awards and decorations</td> </tr> <tr> <td>6. Future assignments which have been approved (by DA)</td> <td>12. Duty status at any given time</td> </tr> </table> <p><b>CAUTION: DO NOT VOLUNTEER INFORMATION FROM THIS LIST WHICH IS NOT SPECIFICALLY REQUESTED.</b></p> <p><i>(If information in addition to the above is requested, refer the caller to your command or staff Privacy Act Coordinator. DO NOT DIVULGE OTHER ITEMS OF PERSONAL INFORMATION BUT DO NOT TAKE IT UPON YOURSELF TO REFUSE OR DENY THE INFORMATION. THERE ARE CHANNELS FOR DENYING SUCH REQUESTS (See AR 25-55). Any request for information under the Freedom of Information Act (FOIA) should be referred to the FOIA Officer.</i></p> <p><i>Paragraph 3-4a, AR 340-21: No disclosure accounting is required for disclosure of the items of personal information enumerated above.</i></p>		1. Name	7. Unit or office address and telephone number	2. Grade	8. Source of commission (for officer personnel)	3. Date of Rank	9. Military and civilian educational levels	4. Salary	10. Promotion sequence number	5. Present and past duty assignments	11. Awards and decorations	6. Future assignments which have been approved (by DA)	12. Duty status at any given time
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4. Salary	10. Promotion sequence number												
5. Present and past duty assignments	11. Awards and decorations												
6. Future assignments which have been approved (by DA)	12. Duty status at any given time												
<p>Questions pertaining to civilian employees of your office should be referred to your Civilian Personnel Office:</p> <p>NAME: _____ EXTENSION: _____</p>													
<p><b>WHEN DISCLOSING PERSONAL INFORMATION YOU MUST BE AWARE OF THE FOLLOWING:</b> All personnel involved in, or responsible for supervision of personnel involved in the custody, maintenance, and use of records containing personal information, must be fully aware that it is Department of the Army policy to "protect personal privacy of individuals from unwarranted invasion" and that "criminal prosecution may be brought against individuals for willful unauthorized disclosure of a record or information in a record." (See AR 340-21, para 4-9)</p>													
<p>THE NAME OF MY PRIVACY COORDINATOR IS: _____</p> <p>HIS/HER TELEPHONE EXTENSION IS: _____</p>													
<p><b>REMEMBER THAT IT IS BETTER TO BE SAFE THAN SORRY</b></p>													

TRADOC FORM 876-R, JUL 92 Previous editions are obsolete and should be destroyed.

**FIGURE 3-3 - TRADOC FORM 876-R**

b. DA military and civilian personnel may not maintain any official file to be retrieved by name or other personal identifier without first ensuring that a system notice has been published in the FEDERAL REGISTER. File numbers under the Modern Army Recordkeeping System (MARKS) having applicable PVA system notices are identified as shown in figure 3-4. Other files described under MARKS without applicable PVA system notices will not be rearranged to permit retrieval by personal identifier until an applicable system notice is created and published in the FEDERAL REGISTER.

**FN: 215-3b**

**Title:** NAF employment records

**Authority:** II-NN-3560

**Privacy Act:** A0215-3DAPE ←

**Description:** Information on individual NAF employees showing such information as veteran preference, service computation date, performance ratings, positions held, and similar information. Included are DA Forms 3438. (DA Forms 3438 are kept by the office responsible for administration of NAF personnel program.)

**Disposition:** Destroy in CFA 5 years after transfer or separation of employee.

Under the Modern Army Recordkeeping System, these records contain personal information which is subject to the requirements and restrictions of The Privacy Act of 1974. The "pointer" (arrow) indicates the systems notice number contained in DA Pam 25-51, where you can find more information on the privacy aspects of these particular records.

**A0215-3DAPE**

**SYSTEM NAME:**

NAF Personnel Records.

**SYSTEM LOCATION:**

Civilian Personnel Offices and at Army installations; National Personnel Records Center, (Civilian), 111 Winnebago Street, St. Louis, MO 63118-4199. Where duplicates of these records are stored in a second office, e.g., an administrative office closer to where the employee actually works, this notice applies.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All individuals who have applied for employment with, are employed by, or were employed by nonappropriated fund (NAF) activities.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Applications for employment, documents relating to testings, ratings, qualifications, prior employment, appointment, suitability, security, retirement, group insurance, medical certificates; performance evaluations; job descriptions; training and career development records; awards and commendations data, tax withholding authorizations; documents relating to injury and death compensation, unemployment compensation, travel and transportation, reduction-in-force, adverse actions, conflict-of-interest and/or conduct, and similar relevant matters.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**PURPOSE(S):**

These records are maintained to carry out a personnel management program for Department of the Army non-appropriated fund instrumentalities. Records are used to recruit, appoint, assign, pay, evaluate, recognize, discipline, train and develop, and separate individuals; to administer employee benefits; and to conduct labor-management relations, employee-management relations, and responsibilities inherent in managerial and supervisory functions.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information may be disclosed to appropriate Federal agencies such as the Office of Personnel Management, Department of Labor, Department of Justice, General Services Administration, General Accounting Office, to resolve and/or adjudicate matters falling within their jurisdiction.

Records may also be disclosed to labor organizations in response to requests for names of employees and identifying information.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records in file folders, Kardex files.

**RETRIEVABILITY:**

By individual's surname or Social Security Number.

**SAFEGUARDS:**

Records are maintained in areas restricted to authorized persons having official need thereof; all information is regarded as if it were marked "For Official Use Only".

**RETENTION AND DISPOSAL:**

Records are permanent; after employee separates, records are retired to the National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, MO 63118-4199 within 30 days. Copies of these records maintained in an administrative office or by the supervisor are retained until the employee transfers or separates; destroyed 30 days later.

**SYSTEM MANAGER(S) AND ADDRESS:**

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC, 20310-4000.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the local Civilian Personnel Officer; former nonappropriated fund employees should write to the National Personnel Records Center (Civilian) 111 Winnebago Street, St. Louis, MO 63118-4199.

Individual should provide his/her full name, current address and telephone number, a specific description of the information/records sought, and any identifying numbers such as Social Security Number.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to the local Civilian Personnel Officer; former nonappropriated fund employees should write to the National Personnel Records Center (Civilian) 111 Winnebago Street, St. Louis, MO 63118-4199.

Individual should provide his/her full name, current address and telephone number, a specific description of the information/records sought, and any identifying numbers such as Social Security Number.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

From the applicant; statements or correspondence from persons having knowledge of the individual; official records; actions affecting individual's employment and/or pay.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

This is the related systems notice, as published in the FEDERAL REGISTER, pages 10098 and 10099, Vol. 58, No. 33, Monday, 22 February 1993, which covers the NAF employment records cited above.

**FIGURE 3-4 - EXAMPLE OF A PRIVACY ACT SYSTEM NOTICE**

c. Army soldiers and civilian employees shall report any unauthorized disclosures of personal information from a system of records or the maintenance of records that are not authorized to the appropriate PVA official.

### 3-3. COLLECTION OF INFORMATION.

a. The PVA limits the type of personal information the Army can collect and maintain on individuals. Only information that is relevant and necessary to carry out a mission or function authorized by law or Executive Order may be collected and maintained.

b. To the extent possible, personal information should be collected directly from the individual. This will minimize the possibility of obtaining inaccurate, outdated, irrelevant, or incomplete information.

c. A PVA Statement must be provided when information is solicited directly from the individual. The purpose of a PVA Statement is to allow the individuals to know the effects, beneficial and adverse, if any, of not providing all or part of the information requested in order that they can make an informed decision on whether to provide it. A PVA Statement should be written in easily understood language, explicitly and informatively, but without being so lengthy as to discourage an individual from reading it. The statement will be incorporated on the front of the form when practical; otherwise, it will appear on the reverse of the form, as a tear-sheet attachment, or as a separate notification accompanying the form. A sample PVA Statement is shown in figure 3-5. Regardless of the medium used, the notification must be given to the individual from whom information is solicited before collection. PVA Statements will be submitted to and coordinated with the local forms management officer with an accompanying copy of DD Form 67 (Form Processing Action Request). In certain situations (e.g., a check cashing facility), in the interest of efficiency and economy, the PVA Statement may appear as a public notice, sign, or poster, prominently displayed in the area where the information is collected.

DD FORM 1556 - REQUEST, AUTHORIZATION, AGREEMENT, CERTIFICATION OF TRAINING AND REIMBURSEMENT	
PRIVACY ACT STATEMENT	
<b>AUTHORITY:</b>	The Government Employees Training Act of 1958 (USC Title 5, 4101 to 4118), EO 9397, November 1943 (SSN).
<b>PURPOSE AND USE:</b>	Used in the administration of the Federal Training Program. The purpose of this form is to document the nomination of trainees and completion of training, it also serves as the principal repository of personal, fiscal and administrative information about trainees and the programs in which they participate. The form becomes a part of the permanent employment record of participants in training programs and is included in the Government's Central Personnel Data File.
<b>DISCLOSURE:</b>	Personal information provided on this form is given on a voluntary basis. Failure to provide this information, however, may result in ineligibility for participation in training programs.
GENERAL INSTRUCTIONS	
THIS IS A MULTI-PURPOSE FORM. IT WILL BE USED FOR ALL TRAINING INCIDENTS. SPECIFIC GUIDELINES FOR DATA INPUT WILL BE SET BY EACH DOD COMPONENT. DATA REQUIRED BY THE OFFICE OF PERSONNEL MANAGEMENT.	

FIGURE 3-5 - SAMPLE PRIVACY ACT STATEMENT

3-4. ACCESS TO OR AMENDMENT OF AN INDIVIDUAL'S RECORD. Upon written or oral request, an individual, or designated agent or legal guardian, will be granted access to a record pertaining to that individual (two exceptions - record is compiled in anticipation of civil action or proceeding, or is subject to exception listed in AR 340-21 (e.g., some types of CID, IG, MP)). The individual may also request amendment of record if it can be proven factually in error, not up to date, or not in compliance; however, the burden of proof rests with the requester. The only official authorized to deny a request for a record or amendment in a system of records pertaining to that individual is the Access and Amendment Refusal Authority (AARA) who has functional jurisdiction for that type of record. Requests for records to be denied must be forwarded to the appropriate AARA within 5 working days. The AARA will respond to the requester within 30 working days. The designated AARAs for DA are listed in AR 340-21, para 1-7.

3-5. SAFEGUARDING 'FOR OFFICIAL USE ONLY' INFORMATION.

a. Information that is not given a security classification, but which is withheld from the public for one or more of the reasons cited in FOIA exemptions 2-9, shall be considered 'For Official Use Only' (FOUO). Personal information guarded by the PVA must also be afforded the same protections required for information designated as FOUO. Use DA Label 87 (For Official Use Only) (figure 3-6) to safeguard FOUO and PVA information when not in file or storage.

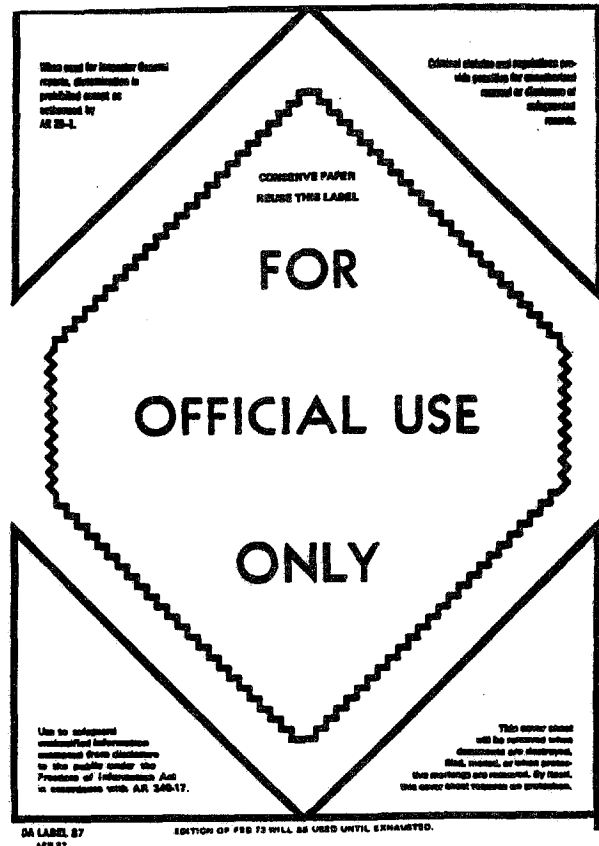


FIGURE 3-6 - DA LABEL 87

b. Unclassified documents containing FOUO information will be marked "For Official Use Only" in bold letters at least 3/16 of an inch in height at the bottom on the outside of the front cover (if any), on each page containing FOUO information, and on the outside of the back cover (if any). ABBREVIATIONS ARE NOT ACCEPTABLE WHEN USING AS PROTECTIVE MARKINGS.

c. Computer-generated outputs and storage media must also be labeled "For Official Use Only" to warn individuals of the need for appropriate handling as required by ARs 25-55 and 340-21. In addition to stamping and use of cover labels, computer-generated page markings that conspicuously identify products as containing personal information (and subject to the PVA) may be used. Any one or a combination of these labeling methods may be used.

d. At the close of business, FOUO records shall be stored to preclude unauthorized access. Locked buildings or rooms containing the records normally provide adequate after-hours protection. Supervisors should ensure that all personnel whose official duties require access to, or processing and maintenance of, personal information are trained in the proper safeguarding and use of such information.

e. In controlled-access data processing areas where a high percentage of the data processed is personal, all output products and storage media (intermediate and final) may be treated as personal information. When such information is retained within the confines of a facility dedicated to the processing and use of personal data, no labeling is required. However, any information leaving that facility must be carefully screened and, if appropriate, labeled. Supervisors must ensure that personnel within such a facility treat all information as personal until otherwise determined.

3-6. DISPOSAL OF PVA/FOUO INFORMATION. Documents containing information guarded by the PVA, or designated as FOUO, may be destroyed by tearing each copy into pieces to preclude reconstructing, and placing them in regular trash containers.

### 3-7. OFFICE SUPERVISORY OR MANAGER EMPLOYEE RECORDS.

a. Supervisors are required to initiate and maintain various records pertaining to civilian employees under their jurisdiction. One of the most important of these is the Office Supervisory or Manager Employee Records. This file contains the SF 7B card; a copy of the employee's job performance standards; the employee's most current job performance appraisal; copies of accident reports; letters/memorandums of appreciation, commendation, or reprimand; training records; extra copies of duty appointments; and other "by name" documents pertaining to the individual employee. Many of these documents are the same actions as those filed in the Official Personnel Folder maintained by the Civilian Personnel Office.

b. A detailed discussion on proper maintenance of the SF 7B card is contained in USAARMC Pam 690-5, chapter 7.

c. The Office Supervisory or Manager Employee Records file will be maintained under MARKS file number laa for both Appropriated Fund and

Nonappropriated Fund employees. The file is established as a single folder on each employee under the supervisor's immediate jurisdiction. The folder will be maintained at a location where all concerned supervisors may have ready access (see USAARMC Pam 690-5, chapter 7). Some organizations may wish to keep a "skeleton" SF 7B in a central location for strength control or locator purposes. However, information pertaining to appraisals, disciplinary actions, etc., may not be included, in order to protect the employee from unwarranted invasion of personal privacy.

d. Since these file numbers have applicable PVA system notices assigned to them, supervisors should be aware that these files contain personal information and access to these files is limited to a "need-to-know" basis. The Office Supervisory or Manager Employee Records file may be maintained in the rating supervisor's desk drawer as long as the files are cross-referenced in the file cabinet containing that office's official files.

e. Personal notes made by supervisors concerning employees under their supervision are considered to be an extension of the supervisor's memory and may be used by the person making the notes, without violating the PVA, if the notes are kept private and used only to refresh the supervisor's memory. These written notes may NOT be passed on to the supervisor's successor or be used in lieu of official personnel files when making personnel determinations affecting subordinates; however, the information contained in the notes may be the basis of administrative actions and evaluations. If the information is used to support an administrative action or evaluation, the information becomes part of the record and is subject to release.

f. Nothing of an adverse nature may be entered in an employee's record without the employee's knowledge. The employees will be informed of the specific breach or infraction and will be allowed to explain their actions per Articles 17, 18, and 53 of the Collective Bargaining Agreement.

g. Upon the employees' oral or written request, they may be permitted to review their own records; however, the records may not be removed from the immediate vicinity of the files area where the records are maintained.

h. When an employee leaves the organization and goes to another on post, the SF 7B card is forwarded to the new supervisor. All other records in the folder are obsolete and are destroyed.

i. The entire record, including the SF 7B card, is destroyed when an employee resigns or transfers to another installation.

j. When an employee is separated from civil service to enter military service and has restoration rights, the employee's record will be withdrawn and refiled under file number lcc, Office Separations for Military Service.

3-8. **CONTRACTS AND CONTRACTORS.** When the Army contracts for the design, development, operation, use, or maintenance of a system of records to accomplish a function, the contractor and employees are subject to the provisions of the PVA to the same degree as the Army and its employees.



3-9. CRIMINAL PENALTIES. A soldier or Army employee may be found guilty of a misdemeanor and fined not more than \$5,000 for willfully:

a. Maintaining a system of records without first meeting the public notice requirements of publishing in the FEDERAL REGISTER.

b. Disclosing individually identifiable personal information to one not entitled to it.

c. Asking for and getting another's record under false pretenses.

3-10. CIVIL REMEDIES. An individual may file a civil suit against the Army if Army personnel fail to comply with the PVA.

3-11. PERSONAL DATA CARD (PDC).

a. USAARMC Form 150 (Personal Data Card) (figure 3-7) is used within organizations/activities to identify individuals (military and civilian) working in specific functional areas, address and route mail, direct visitors within the organization, recall employees to duty during an emergency, notify next-of-kin in the event of an emergency, prepare office rosters, and prepare personnel actions.

b. Information contained on the card may be used to answer inquiries from other agencies of federal, state, and local government, from the general public (when the information requested is releasable under the FOIA/PVA), or when the individual has given prior consent for release of personal data.

c. Before an individual can access classified material, security clearance must be verified using USAARMC Form 1378 (Record of Personnel Security Clearance/Action).

d. The PDC is presented to the soldier or employee to complete. The manager/supervisor presenting the form should ensure the individual reads and completes the "Privacy Act Release" portion on the bottom front of the PDC.

e. The back of the form contains a blank area that may be overprinted to meet an organization's individual needs. All requests for overprint must be approved by the USAARMC Forms Management Officer per USAARMC Reg 310-4.

f. Organizations/activities may choose not to complete some blocks of information. The block containing military personnel data elements should be completed only by military personnel.

g. Use of USAARMC Form 150 is optional; however, all other existing PDCs have been rescinded, and no additional PDCs will be approved for print.

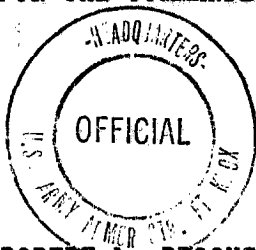
h. PDCs will be filed under MARKS file number 1z, Office Personnel Locator, or other appropriate file number having a Privacy Act system notice assigned to it.

LAST NAME, FIRST, MIDDLE	SSN	GRADE/RANK (Pencil)	POSITION TITLE (& SERIES FOR CIVILIANS)	
SECTION ASSIGNMENT (Pencil)	DUTY PHONE (Pencil)	DATE ASSIGNED	SECURITY CLEARANCE (TO BE VERIFIED)	
POB	DOB	EDUCATION # YRS	COLLEGES ATTENDED (& DEGREE IF ANY)	
MARITAL STATUS <input type="checkbox"/> MARRIED <input type="checkbox"/> SINGLE	<input type="checkbox"/> DIVORCED <input type="checkbox"/> WIDOW(ER)	SPOUSE NAME	MILITARY PERSONNEL DATA	
LOCAL ADDRESS (Pencil)	TELEPHONE (Pencil)	PROJECTED LOSS DATE (Pencil)	HOME OF RECORD	
EMERGENCY ADDRESS (OTHER THAN SPOUSE)	TELEPHONE	DOR (Pencil)	BASD	BLD TYPE
CHILDREN (NAMES)	SPECIAL SKILLS	PMOS/DMOS	GT	SQT
MILITARY SCHOOLS	HEIGHT/WEIGHT	PT SCORE	PT DATE	
PRIVACY ACT RELEASE: I (DO) (DO NOT) consent to the release of the above information in the form of an office roster. I (DO) (DO NOT) consent to release this information to third parties.				
<b>PERSONAL DATA CARD</b>				
(USAARMC Pam 340-2)		See Privacy Act Notification on Reverse		SIGNATURE _____

USAARMC FORM 150  
1 Nov 88

FIGURE 3-7 - USAARMC FORM 150

FOR THE COMMANDER:



ROBERT L. BROOKS  
Director, Information Management

OFFICIAL:  
CHARLES S. HENDERSON  
LTC, AR  
Garrison Commander

DISTRIBUTION:  
A plus  
250 - ATZK-IMO-R  
5 - ATSB-OPL

CF:  
Asst Comdt, USAARMS

APPENDIX A

REFERENCES

1. AR 25-55, 10 January 1990, The Department of the Army Freedom of Information Act Program.
2. AR 340-21, 5 July 1985, The Army Privacy Program.
3. DA Pam 25-51, 21 September 1988, The Army Privacy Program - System Notices and Exemption Rules, as supplemented by the FEDERAL REGISTER, Vol. 58, No. 33, Monday, 22 February 1993.
4. FORSCOM Supplement 1 to AR 340-21, 30 December 1985, The Army Privacy Program.
5. TRADOC Supplement 1 to AR 340-21, 28 March 1986, The Army Privacy Program.
6. USAARMC Pam 690-5, 28 March 1983, A Guide for Supervisors of Civilian Employees.
7. USAARMC Reg 310-4, 14 March 1986, Forms Management Program.